

PRACTICE GUIDELINES MEMORANDUM

TO: Attorneys Practicing Before Me
And Other Interested Persons

FROM: C. Timothy Corcoran, III
United States Bankruptcy Judge

DATE: January 3, 2000

RE: Sample Bankruptcy Motions and Orders for Personal
Injury Practitioners and Trustees

Lawyers who handle personal injury litigation in state court often come in contact with the bankruptcy court. Frequently, a personal injury plaintiff will wish to obtain relief from the automatic stay to liquidate the claim in state court and to pursue insurance proceeds. As frequently, a personal injury plaintiff will file bankruptcy and the plaintiff's attorney will be asked to continue prosecuting the claim on behalf of the bankruptcy estate. Typically, these personal injury lawyers are not bankruptcy practitioners who understand how to obtain the desired relief easily.

In these situations, having available sample forms of motions and orders that they can use in the bankruptcy court may help the personal injury lawyers. Similarly, Chapter 7 trustees who deal with personal injury attorneys unfamiliar with bankruptcy practice may be helped by having a package of sample motions and orders they can provide to their personal injury lawyers.

This guideline, with the sample motions and orders that accompany it, is intended to provide that assistance. It supplements my Guidelines for Preparing and Submitting Proposed Forms of Orders and Guidelines for Compensation and Expense Reimbursement of Professionals that have been available for some

time. Counsel will wish to use the samples accompanying this guideline with the principles contained in these other guidelines in mind.

As I have previously observed, please remember the following points in reviewing these samples:

a. These samples are not intended by me to be required forms. They merely illustrate compliance with the principles described the Federal Rules of Bankruptcy Procedure and in my guidelines. Other forms of orders and motions can similarly comply with these principles and, when they do, are equally satisfactory to me.

b. These samples are not intended to cover all situations that may arise in cases. Tailoring to the circumstances and to the court is always required. Please do not attempt to use these illustrations as forms in circumstances where they do not apply.

c. In these samples, language contained within brackets is meant to be alternative language to that contained within the brackets immediately following or preceding.

The samples accompanying this guideline are:

1. India Injured's Motion for Relief from Stay. This is a sample motion for a PI plaintiff to use when the tortfeasor files bankruptcy so the plaintiff can continue to pursue the tortfeasor's insurance coverage of a discharged claim in a no-asset bankruptcy case. It can also be modified for use to liquidate the claim when grounds exist to except the claim from the discharge or when the estate has assets to distribute to creditors.

2. Order Modifying Automatic Stay in Favor of India Injured. This is a sample form of order modifying the stay in the circumstances set forth in the sample motion described in the preceding paragraph.

3. Application, Declaration, and Order Authorizing Employment of Special Counsel. The debtor's prepetition personal injury claim belongs to the estate after a Chapter 7 filing. Counsel may have represented the debtor on the claim before the bankruptcy filing and, at the trustee's request, will

now continue to pursue the claim on behalf of the estate. Alternatively, counsel may be getting involved for the first time after the filing upon the request of the trustee. In either event, the court must approve the trustee's employment of counsel to handle the claim. This is a package counsel can use to obtain that approval. It satisfies all the requirements of Section 327 of the Bankruptcy Code and F.R.B.P. 2014(a).

4. Trustee's Motion to Approve Proposed Compromise of Personal Injury Claim. The trustee does not have authority to compromise a claim owned by the estate. To settle a personal injury claim, the trustee needs to obtain that authority from the court. The legal standard the court is to apply in considering a trustee's request for such authority is whether the compromise is in the best interests of creditors and the estate. This is a sample motion counsel for the trustee can use in explaining to the court (and to all creditors) why it is that the settlement should be approved and the trustee authorized to effectuate it.

5. Order Granting Trustee's Motion to Approve Proposed Compromise of Personal Injury Claim. This is the sample order granting the motion described in the preceding paragraph and empowering the trustee to effectuate the settlement.

6. Application for Compensation and Reimbursement of Expenses by Special Counsel for the Trustee. After the PI claim is settled, counsel will wish to be paid counsel's contingency fee. F.R.B.P. 2016(a), In re Braniff, Inc., 117 B.R. 702, 705-06 (Bankr. M.D. Fla. 1990), and my Guidelines for Compensation and Expense Reimbursement of Professionals contain the procedural requirements a fee application must satisfy. This sample satisfies all of those requirements in the simple case. Nevertheless, counsel will wish to review the Braniff case and the Guidelines Memorandum for Compensation at the beginning of the representation -- well before completing a fee application. Those guidelines contain information on requirements for time recording and describe which expenses are reimbursable.

7. Order Approving Application for Compensation and Reimbursement of Expenses by Special Counsel for the Trustee. The trustee cannot pay counsel until the court enters an order authorizing payment. This is a simple form of that order.

I am hopeful that this memorandum with its sample forms will be of assistance to counsel. If you still have questions about drafting after reviewing the Practice Guidelines Memorandum for Preparing and Submitting Proposed Forms of Orders and the Practice Guidelines Memorandum for Compensation and Expense Reimbursement of Professionals, please feel free to raise them with my law clerk, Cheryl Thompson, who can be reached at (813) 301-5200.

CTC:ys

Enclosures

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re)
)
X) Case No. X-8CX
)
Debtor.)
_____)

INDIA INJURED'S MOTION FOR RELIEF FROM STAY

India Injured, by her undersigned attorneys, moves for relief from the automatic stay to permit her to liquidate in state court her personal injury claim against the debtor. As grounds therefor, the movant alleges as follows:

1. On _____, 2000, the debtor filed a petition for relief under Chapter 7 of the Bankruptcy Code in this Court.
2. On _____, 2000, a date prior to the filing of the bankruptcy petition, the debtor negligently operated his motor vehicle so that it collided with the movant's motor vehicle. As a result, the movant suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of a

previously existing condition. The losses are either permanent or continuing, and the movant will suffer the losses in the future. The movant's automobile was damaged and she lost the use of it during the period required for its repair or replacement. *[This paragraph is drafted for an automobile accident and is adapted from Fla.R.Civ.P. Forms 1.945 and 1.946. For another kind of claim, simply describe the claim with some degree of particularity. You may find the Official Forms following the Florida Rules of Civil Procedure to be helpful.]*

3. As a consequence, the movant is a creditor of the bankruptcy estate, although the movant's claim is unliquidated.

[4. At the time of the accident, the debtor maintained a policy of insurance that contains coverage for bodily injury liability and property damage liability.

5. The movant desires [to file and prosecute a][to continue prosecuting a pending] civil action against the debtor in state court for the purpose of liquidating her claim. If the debtor obtains a recovery or judgment against the debtor, the movant will seek to enforce it solely against the proceeds of insurance and will not seek to enforce the recovery or judgment against the debtor, property of the debtor, or property of the estate.]

or

[4. Contemporaneously with the filing of this motion, the movant has filed in this Court an adversary proceeding against the debtor. In that adversary proceeding, the movant seeks a determination that the movant's claim is a non-dischargeable debt pursuant to the provisions of Section 523(a)(6) and (9) of the Bankruptcy Code.

5. The movant desires to file and prosecute a civil action against the debtor in state court for the purpose of liquidating her claim.]

or

[4. Contemporaneously with the filing of this motion, the movant has filed a proof of claim in this Court on account of this unliquidated debt.

5. The movant desires to file and prosecute a civil action against the debtor in state court for the purpose of liquidating her claim so she can share in the distribution of the estate with other creditors.]

6. The foregoing constitutes "cause" within the meaning of Section 362(d)(1) of the Bankruptcy Code to modify the automatic stay to permit the movant to take those steps described in the preceding paragraph.

WHEREFORE, the movant prays that the court will grant her motion and modify the automatic stay in the manner requested.

Name of Attorney
Address
Telephone
Florida Bar Number
Attorney for Movant, India
Injured

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by United States mail to the persons identified below, this ____ day of _____, 2000:

Debtor [name and address]

Debtor's attorney [name and address]

Trustee [name and address]

United States Trustee, Timberlake Annex, Suite 1200, 501 E. Polk Street, Tampa, Florida 33602

Attorney

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re)
)
X) Case No. X-8CX
)
Debtor.)
_____)

ORDER MODIFYING AUTOMATIC
STAY IN FAVOR OF INDIA INJURED

[This case came on for hearing on _____, 2000, of India Injured's motion for relief from stay (Document No. ____). For the reasons stated orally and recorded in open court that shall constitute the decision of the court, the court grants the motion as follows:]

or

[This case came on for hearing on _____, 2000, of India Injured's motion for relief from Stay (Document No. ____). At the hearing, counsel for the trustee, the debtor, and the movant announced their agreement to the court's entry of an order containing the following terms. Accordingly, the court grants the motion as follows:]

or

[This case came on for consideration of India Injured's motion for relief from stay (Document No. ____). The court entered an order directing the debtor and the trustee to respond. Neither the debtor nor the trustee filed responses within the time permitted to do so. [The debtor did not file a response within the time permitted to do so. The trustee filed a written consent.] In the circumstances, the court deems the motion to be unopposed. For the reasons set forth in the motion, therefore, the court grants the motion as follows:]

1. The court hereby modifies the automatic stay to permit the movant, India Injured, [to file and prosecute through judgment a civil action against the debtor in state court][to continue prosecuting through judgment the civil action presently pending in state court] on her claims against the debtor arising from an automobile accident that occurred on _____, 2000.

2. In the event the movant obtains a recovery or judgment against the debtor, the movant shall enforce the recovery or judgment solely against the proceeds of insurance. The movant shall not enforce the recovery or judgment against

the debtor, property of the debtor, or property of the estate
absent further order of this court.

DONE and ORDERED at Tampa, Florida, this ____ day of
_____, 2000.

C. TIMOTHY CORCORAN, III
United States Bankruptcy Judge

Copies Furnished To:

Movant's attorney [name and address]

Debtor [name and address]

Debtor's attorney [name and address]

Trustee [name and address]

United States Trustee, Timberlake Annex, Suite 1200, 501 E. Polk
Street, Tampa, Florida 33602

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re)
)
) Case No. -8C7
)
 Debtor.)
 _____)

APPLICATION, DECLARATION, AND ORDER
AUTHORIZING EMPLOYMENT OF SPECIAL COUNSEL¹

Application

The duly appointed trustee in this Chapter 7 case,
_____, applies for an order approving the
employment of _____ and the law firm of
_____ to represent and assist the trustee
as special counsel in carrying out the trustee's duties under

¹ This "all in one" application, declaration, and order is intended only for a simple, "clean" disclosure by counsel. If there are connections or relationships to be disclosed beyond those simple ones given as models in this form, please file a separate application and a separate declaration, giving full details, and submit a separate proposed form of order.

In typing this "all in one" form, please make sure it is paged out properly so that there are no widow lines on any of the pages and so that the declaration and order are not the only text on the pages on which they appear. As an example, observe how this form scrolls out.

the Bankruptcy Code. Special counsel will represent the estate in connection with the estate's personal injury claim that arose when the debtor was involved in a _____ accident on or about _____, 2000.

After reviewing the facts and legal issues in this case, the trustee has concluded that the assistance of counsel is necessary to enable the trustee to discharge the trustee's statutory duties. The trustee has selected this attorney because the attorney has the ability and experience to render the necessary assistance. The attorney has further agreed to seek compensation on a contingency fee basis pursuant to the provisions of Section 330 of the Bankruptcy Code.

To the best of the trustee's knowledge, the attorney has no connection with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States Trustee [except as disclosed in the following declaration].

The trustee therefore prays that the court enter the order approving the employment of special counsel in the form set forth below.

Dated this ____ day of _____, 2000.

Trustee: Name
 Address
 Telephone

Declaration of Proposed Special Counsel

I, _____, declare under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746 that the following statements are true and correct:

1. I am an attorney admitted to practice in the United States District Court for the Middle District of Florida.

2. I am a member of the law firm of

_____.

3. Neither I nor any member of the firm have any connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any other person employed in the office of the United States trustee [except:

[I and other members of my law firm represent the trustee in other unrelated bankruptcy cases in which the trustee also serves as trustee.]

and/or

[Prior to the filing of the petition in this case, I represented the debtor in connection with the same personal injury claim for which I now seek to represent the estate. My fee arrangement with the debtor is the same under which I am willing to represent the estate, that is, my standard personal injury contingency fee agreement plus reimbursement of costs and expenses advanced.]

and/or

[One of the creditors in this case is _____. My law firm has represented that creditor in the past [or is presently representing that creditor] in matters completely unrelated to the debtor and this case. I have informed and consulted with both this creditor and the trustee concerning this multiple representation, and both have consented to my representation of the trustee in this case. Further, I have concluded that my independent professional judgment will not be

affected in the representation of the trustee because of this multiple representation].

Executed on this ____ day of _____, 2000.

Special Counsel:	_____ Name Bar Number Address Telephone
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Certificate of Service

I hereby certify that the foregoing and the following proposed order was provided by United States Mail to the United States Trustee, Timberlake Annex, Suite 1200, 501 E. Polk Street, Tampa, Florida 33602, this ____ day of _____, 2000.

Name

Order Authorizing Employment of Special Counsel

Based upon the facts set forth in the foregoing application and declaration, the court concludes that the attorney does not hold or represent an interest adverse to the estate and is a disinterested person within the meaning of Section 101(14) of the Bankruptcy Code. The court further concludes that the attorney is qualified to represent the

trustee as special counsel for the purposes described and that the court's authorization of the attorney's employment is in the best interest of the estate.

Accordingly, the application is approved, and the court approves and authorizes the employment of the attorney as special counsel for the purposes described in the application. Compensation will be determined later in accordance with the provisions of Section 330 of the Bankruptcy Code. No payment whatsoever shall be made to the attorney absent application and order.

DONE and ORDERED in Tampa, Florida, this ____ day
of _____, 2000.

C. TIMOTHY CORCORAN, III
United States Bankruptcy Judge

Copies Furnished To:

Trustee [name and address]

Special Counsel [name and address]

Debtor [name and address]

Debtor's attorney [name and address]

United States Trustee, Timberlake Annex, Suite 1200, 501 E. Polk
Street, Tampa, Florida 33602

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re)
)
X) Case No. X-8CX
)
Debtor.)
_____)

TRUSTEE'S MOTION TO APPROVE
PROPOSED COMPROMISE OF PERSONAL INJURY CLAIM

The trustee, _____, by his undersigned
special counsel, pursuant to the provisions of F.R.B.P. 9019 and
L.B.R. 2002-4, moves for an order approving the proposed
compromise of the estate's personal injury claim for the reasons
and as described as follows:

**NOTICE OF OPPORTUNITY
TO OBJECT AND FOR HEARING**

Pursuant to L.B.R. 2002-4, the Court will consider this motion without further notice or hearing unless a party in interest files an objection within 20 days from the date of service of this motion. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at Room 727, Sam M. Gibbons United States Courthouse, 801 N. Florida Avenue, Tampa, Florida 33602-3899, and serve a copy on the trustee, [name and address], and the trustee's special counsel, [name and address].

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection with the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

1. The debtor filed his petition for relief under Chapter 7 of the Bankruptcy Code in this Court on _____. The movant is the duly appointed Chapter 7 trustee.

2. Prior to the filing of the petition, the debtor was involved in a _____ accident and suffered injuries. The debtor's personal injury claim for damages became an asset of the bankruptcy estate when the debtor filed his bankruptcy petition.

3. [Before the filing of the petition, the debtor][During the course of this case, the movant trustee]

filed a civil action for damages as a consequence of the accident. [The trustee is now a party plaintiff in that action.] The action is Case No. _____ pending in the Circuit Court for _____ County, Florida. The defendants are _____.

4. The trustee and the defendants wish to compromise the civil action as described here:

a. The personal injury claim. *[Describe the facts of personal injury claim that is involved in the civil action.]*

b. The compromise. *[Describe the material terms of the compromise, including the consideration to be received by the estate and the releases to be given.]*

c. Why the compromise should be approved.
[Describe counsel's evaluation of the case; identify its strengths and weaknesses; discuss the liability, damage, and defense issues; explain why the compromise is in the range of reasonable outcomes if the case were litigated; describe the estate's risk of loss and any other exposure the estate may have in litigation; and describe any other factors that make the compromise a reasonable one. See Wallis v. Justice Oaks II, Ltd. (In re Justice Oaks II, Ltd.), 898 F.2d 1544, 1549 (11th Cir. 1990).]

5. For these reasons, the trustee and special counsel believe the compromise is in the best interests of creditors and the estate.

WHEREFORE, the trustee prays that the court grant this motion, approve this compromise, and authorize the trustee to effectuate it.

Name of Special Counsel
Address
Telephone
Florida Bar Number
Special Counsel for the Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by United States mail to the persons identified below, this ____ day of _____, 2000:

Debtor [name and address]

Debtor's attorney [name and address]

Trustee [name and address]

Compromising defendants' attorney [name and address]

United States Trustee, Timberlake Annex, Suite 1200, 501 E.
Polk Street, Tampa, Florida 33602

All those persons appearing on the current all creditors'
matrix obtained from the clerk, a copy of which is attached.

Attorney

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re)
)
X) Case No. X-8CX
)
Debtor.)
_____)

ORDER GRANTING
TRUSTEE'S MOTION TO APPROVE
PROPOSED COMPROMISE OF PERSONAL INJURY CLAIM

This case came on for consideration of the trustee's motion to approve proposed compromise of personal injury claim filed on _____, 2000 (Document No. ____). The trustee served the motion on all creditors and parties in interest pursuant to the provisions of L.B.R. 2002-4. Despite this notice and opportunity to object and for hearing, no creditor or party in interest has opposed the compromise in the time permitted to do so. The court therefore considers the matter to be unopposed.

For the reasons set forth in the motion, the court concludes that the compromise described there is in the best interests of creditors and the estate. The court therefore grants the motion. The trustee is authorized to enter into the compromise described in the motion. Accordingly, the trustee

may accept the sum of \$_____ in full settlement and satisfaction of the estate's claim against _____ arising from a _____ accident on or about _____, 2000. The trustee is also authorized to execute all documents necessary to effectuate that compromise.

DONE and ORDERED at Tampa, Florida, this ____ day of _____, 2000.

C. TIMOTHY CORCORAN, III
United States Bankruptcy Judge

Copies Furnished To:

Debtor [name and address]

Debtor's attorney [name and address]

Trustee [name and address]

Trustee's attorney [name and address]

Compromising defendants' attorney [name and address]

United States Trustee, Timberlake Annex, Suite 1200, 501 E. Polk Street, Tampa, Florida 33602

All those persons appearing on the current all creditors' matrix, a copy of which is attached.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re)
)
X) Case No. X-8CX
)
Debtor.)
_____)

APPLICATION FOR COMPENSATION
AND REIMBURSEMENT OF EXPENSES
BY SPECIAL COUNSEL FOR THE TRUSTEE

Applicant, _____, hereby applies for the allowance of fees and the reimbursement of expenses for service as special counsel for the trustee as follows:

1. As described below, the applicant seeks an award of fees in the amount of \$_____. This amount is a ___ percent contingency fee based upon a gross recovery of \$_____ that the applicant realized for the estate in a personal injury case. In addition, the applicant seeks reimbursement of costs and expenses in the amount of \$_____. Thus, the total amount the applicant seeks in this application is \$_____.

2. As shown on the applicant's time records attached as Exhibit A, the applicant devoted ___ hours to this representation. Although this application is based upon a contingency fee, the fee requested divided by the hours spent

reflects a rate of \$_____ per hour. This time was reasonably and necessarily incurred in the course of the representation. *[If multiple timekeepers are involved, set forth a clear, tabular summary for them (name, hours, rate, extension, and totals) as described in In re Braniff, 117 B.R. 702, 705 (Bankr. M.D. Fla. 1990). Also, please refer to the Braniff decision and the Guidelines for Compensation and Expense Reimbursement of Professionals for basic requirements concerning the way time records are to be kept.]*

3. The costs and expenses for which the applicant seeks reimbursement are itemized on the schedule attached as Exhibit B. Each expense was reasonably and necessarily incurred in the course of the representation. *[Please refer to the Guidelines for Compensation and Expense Reimbursement of Professionals for details on which expenses are reimbursable and the detail required in claiming reimbursable expenses.]*

4. On _____, 2000, the court entered an order approving the trustee's motion to approve proposed compromise of personal injury claim. The motion upon which that order was based describes the personal injury claim that the applicant handled on behalf of the trustee. Generally, however, that claim involved *[briefly describe claim, counsel's efforts, and amount recovered. If the amounts requested are unusually high*

either in absolute dollars or in relation to the time spent, counsel will wish to embellish this section in greater detail and cover all of the 12 factors described in Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 717-19 (5th Cir. 1974).]

5. The estate was substantially benefited by the applicant's efforts. After paying the fees and costs the applicant requests here and all other expenses, the estate will net \$_____ from this settlement. Attached as Exhibit C is a closing statement for the settlement that shows the distribution of all of the settlement funds, including the fees and expenses the applicant requests here.

6. The court entered an order on _____, 2000, approving the employment of the applicant as special counsel for the trustee to perform these services.

7. The applicant has received no payment from any source on account of the services rendered as reflected in this application or rendered or to be rendered in any capacity whatsoever in connection with the personal injury case or the bankruptcy case. The applicant has received no promise of such payment [except the applicant had entered into a standard contingency fee agreement with the debtor before the filing of the bankruptcy petition in this case. That fee agreement covered the representation reflected in this application, and

its terms are reflected in the calculation of the fee requested in this application].

8. I have no agreement or understanding with anyone as to the sharing of the fee requested in this application. *[If there is an agreement or understanding with anyone other than a law partner or associate, describe the details instead.]*

VERIFICATION

I declare under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746 that the foregoing is true and correct.

WHEREFORE, the applicant prays that the court grant this application and approve the fees and expenses as requested.

Name of Special Counsel
Address
Telephone
Florida Bar Number
Special Counsel for the Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by United States mail to the persons identified below, this ____ day of _____, 2000:

Debtor [name and address]

Debtor's attorney [name and address]

Trustee [name and address]

United States Trustee, Timberlake Annex, Suite 1200, 501 E.
Polk Street, Tampa, Florida 33602

Attorney

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re)
)
X) Case No. X-8CX
)
Debtor.)
_____)

ORDER APPROVING APPLICATION
FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES BY SPECIAL COUNSEL FOR THE TRUSTEE

This case came on for hearing on _____, 2000, of the application for compensation and reimbursement of expenses by special counsel for the trustee (Document No. ____). For the reasons stated orally and recorded in open court that shall constitute the court's findings of fact and conclusions of law, the court approves the application as follows:

1. The court hereby allows special counsel for the trustee, _____, fees in the amount of \$_____ and reimbursement of costs and expenses in the amount of \$_____, for a total allowed administrative expense award of \$_____.

2. The trustee is authorized to disburse these amounts to special counsel immediately.

DONE and ORDERED at Tampa, Florida, this ____ day of _____, 2000.

C. TIMOTHY CORCORAN, III
United States Bankruptcy Judge

Copies Furnished To:

Debtor [name and address]

Debtor's attorney [name and address]

Trustee [name and address]

United States Trustee, Timberlake Annex, Suite 1200, 501 E. Polk Street, Tampa, Florida 33602